

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD
FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON
THURSDAY, JANUARY 17, 2008 AT 7:30 P.M.**

The meeting of the **New Albany City Council** was called to order by President Jeff Gahan at 7:30 p.m. The meeting opened with the Lords Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Caesar, Mr. Price, Mr. McLaughlin, Mrs. Benedetti, Mr. Gonder, Mr. Messer, Mr. Zurschmiede and President Jeff Gahan.

OTHERS: Council Attorney Jerry Ulrich and City Clerk Marcey Wisman.

ALSO: Deputy Mayor Carl Maylsz, Deputy Mayor John Wilcox, Asst. Director of City Operations Matt Denison, John Rosenbarger and Scott Wood.

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Price moved to approve the January 7, 2008 meeting minutes, Mr. Zurschmiede second, all voted in favor.

COMMUNICATIONS – PUBLIC:

Tim Jacobi, President Uptown Neighborhood association, informed the board that they will be presenting a letter that has not been officially voted on by his association but is in favor of the creation of a the inspector. He stated that there are some that are not in favor but the majority supports it.

Maury Goldberg spoke regarding G-08-02 and stated that in 1999 in the last year of Mayor Doug England's last term the council voted on an ordinance for the sewer board make-up which was the same as the one they are voting on this evening. However, the Overton administration did not follow the correct procedure and in his opinion they just need to choose a program and move ahead instead of continually trying to change it up and getting nothing done.

Jeff Gillenwater, East Spring Street Neighborhood read a letter into the record in favor of G-08-01. Said letter was signed by several Presidents of local neighborhood associations and is on file with the City Clerk's office.

COMMUNICATIONS – CITY OFFICIALS:

Scott Wood addressed the council regarding the request for \$9000 for digitized zoning maps. He showed an example of maps that they are working with in the Planning office which was damaged and fragile. He stated that this program will allow the public to access property zoning on-line and will be able to clarify whether or not a property is commercial or residential.

COMMUNICATIONS – MAYOR:

Carl Maylsz spoke on behalf of the Mayor and addressed 4 items:

1. Regarding the Sewer Board Ordinance the Mayor is in favor of the passage of this ordinance and asked that they have all three reading on this tonight due to the need to
2. Regarding A-08-01, the salary ordinance, the Mayor respectfully asked that they give this second and third reading tonight and he will be here to answer any questions.

3. Regarding Economic Development Revenue bonds ordinance for Ohio Valley Door Corporation the Mayor endorses this ordinance to help Ohio Valley Door to expand.
4. The Mayor stated that he will be here to give his State of the City address and outline his agenda for the next four years at the second meeting of February.
5. The Mayor issued a press release today entitled “Mayor England Encourages Observation of the Martin Luther King Holiday” encouraging the citizens to participate in Dr. Martin Luther King Day. He stated that there is an event being sponsored by the center for women and families.

APPOINTMENTS:

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

Mr. Coffey motioned to move G-08-01 to the, Mr. Price second, all voted in favor by show of hand.

G-08-01	Ordinance Authorizing the City of New Albany to Issue its “Economic Development Revenue Bonds, Series 2008 (Ohio Valley Door Corporation, Inc. Project)” and Approving Other Actions in Respect Thereto	Benedetti 1
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Mrs. Benedetti moved for the first reading of G-08-01, Mr. Zurschmiede second, all voted in favor.

Mr. _____, attorney for Ohio Valley Door Corporation, addressed the council and recapped the actions that took place last year when they came to the council with a resolution to endorse the bonding for Ohio Valley. He informed them that the approval of this ordinance does not make the city liable for payment of these.

R-08-02	Common Council of the City of New Albany Resolution Relating to the Settlement of Litigation Pending Against The Civil City of New Albany and the Common Council Thereof	Messer
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Mr. Messer moved for the reading of R-08-02, Mr. Zurschmiede second, all voted in favor with the exception of Mr. Coffey, Mr. Price and Mr. Gahan who voted no.

Mr. Messer explained that this is in reference to the lawsuit that was filed regarding redistricting and stated that it was on the last meeting of the year in 2007 and it didn’t pass but at the request of this council it was put back on.

Mr. Coffey stated that this has been voted down already three times.

Mr. Zurschmiede asked for a synopsis of what this will do for the council as far as the lawsuit goes.

Mr. Ulrich stated that this will add more time for the council to create a redistricting that may be more acceptable by the court and the plaintiffs and remove the pressure that was on the last council. He stated that the Court has given 60 days for them to present something which is coming up in February and he believes this resolution will be acceptable to the plaintiff’s and then the judge will accept it as a consent decree and they will work off of that.

Mrs. Benedetti asked what the time frame will be.

Mr. Ulrich stated that it will give them until one year prior to the next municipal election.

Mr. Coffey stated that they need to understand that these are the same plaintiff's that were demanding that they have this done before the primary, then after the primary they didn't want it done now. He stated that he has a problem when they have an agreement and now they want to change it again and he believes that some of that is because they have acquired additional legal fees and they want those fees paid.

There was a lengthy discussion about the current resolution and the previous consent decree and what changed were being made to come to an agreement so that both parties can move forward.

Mr. Gondor asked how Mr. Ulrich would characterize the likelihood that this would be accepted.

Mr. Ulrich stated that the judge indicated that he would not approve the passed ordinance.

Mr. Gahan stated that he disagrees with the item in the consent decree that states that only the at large members would be involved because that excludes 2/3 of the council and this is a matter that should fall to the entire council. He stated that he is completely open to any proposals that the plaintiff's might have.

R-08-03 A Resolution for \$9,000 to be set aside out of Riverboat Price
Funds to Create Digitized Zone Maps in 2008

Mr. Price moved for the reading of R-08-03, Mr. Zurschmiede second, all voted in favor

Mr. Price asked Mrs. Garry if they did couldn't find the money in the ____ and asked if she thought \$9,000 was a reasonable price.

Mrs. Garry stated that she thought that it was.

R-08-04 Common Council of the City of New Albany Resolution Zurschmiede
To Terminate Litigation

Mr. Zurschmiede moved for the reading of R-08-04, Mr. Messer second, all voted in favor with the exception of Mr. Coffey, Mr. Gahan, Mr. Gonder and Mrs. Benedetti, who voted no.

Mr. Coffey stated that in the paper the board attorney stated that he was surprised that they did not bid this out and that the storm water board's budget contributes X amount of dollars and the contract to hire EMC was larger than that amount and they will have to come up with additional funds.

Mr. Messer stated that the previous council appointed the board members to act responsibly and he believes that they did and that he feels that they are suing themselves. He explained that the ordinance that was passes doesn't stipulate that the contracts have to be bid out so are they going to change the ordinance to reflect that.

Mrs. Benedetti stated that they really just have to wait for the judge to make a decision.

Mr. Zurschmiede stated that at the hearing the judge stated that he would hope that the new council would take another look at the issue and decide on it themselves.

Mrs. Garry stated that in regards to the storm water budget ____ I can't hear what she says.

Mr. Zurschmiede stated the reason this is on here is because every time the council for them has to work on this it is an extra cost to the City and if they pass this tonight the City won't be spending any more money on attorney's and they can move forward.

Mr. Zurschmiede asked Mr. Maylzs what the Mayor would like for them to do with the resolution.

Mr. Zurschmiede stated that originally EMC had an automatic five year extension in their contract and if they had wanted to do this just for a favor to them they could have just signed the contract without a word at greater cost to the City but they didn't do that.

Mr. Zurschmiede moved for the first reading of A-08-02, Mr. Messer second, all voted in favor

Mr. Messer asked for clarification that if the money is not used it goes back into the general fund.

Mr. Zurschmiede moved for the first reading of A-08-03, Mr. Messer second, all voted in favor

Mr. Messer stated that the ordinance and the I.C. Code do not match up correctly and he wonders if this is not just creating another hybrid. He stated that he doesn't have a problem with what is before him but he doesn't want this to come back on them.

Mr. Buchanan explained that this is the ordinance that most second class cities operate under but they all had somewhat of a hybrid to fit their own needs. He stated that this is his first time in front of this council and he is impressed with how open they are to discussion and he expect great things from this council but he is disappointed that this will not be getting three readings because there is a lot of work to be done and they need to get started right away.

Mr. Price stated that he is concerned that with the new board they will have problems getting information and he referenced some rumors going around about IUS and stated that he has reservations that they will have to go digging for this information.

Mr. Buchanan stated that they will get all the information and the board secretary will have minutes that are available to them.

Mr. Ron Carroll stated that if he hears rumors that they need to ask and make sure the rumors are indeed true.

Mr. Zurschmiede stated that most bodies that are responsible for that much money are made up of more than just three members and he believe it should be a five member board.

A-08-01	An Ordinance To Amend Ordinance A-07-43 Setting Salaries for The Year 2008 for Non-Bargaining Unit Employees	Gonder2&3
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Mr. Gonder moved for the second and third reading of A-08-01, Mr. Messer second, all voted in favor. Bill A-08-01 became ordinance A-08-01.

Mrs. Benedetti asked where the money to pay the Deputy Mayor/Director of City operations comes from.

Mrs. Garry explained that the money comes from the Board of Works and it was already established because of Mr. Toran's position.

Mrs. Garry explained where the other salaries for the new administration would be coming from.

Mr. Price stated that the last time he voted no and he wanted to explain why. He stated that in the past four years he has talked with the police department and fire departments regarding keeping salaries down. He feels that the country is heading for a recession and he feels strongly that they need to keep the salaries down.

Mrs. Benedetti asked if they could separate these salaries out and vote individually on these.

Mr. Gonder stated that he does not see the point in doing that.

Mr. Coffey asked Mr. Maylsz if they could hold off on the code enforcement officer at this time.

Mr. Maylsz stated that he feels strongly that this position is necessary, but he says that it does not need to be done at this moment. However, he does not want that to be taken by this council that he does not think this position is necessary.

Mrs. Benedetti asked if he had prepared a job description for this position.

Mr. Maylsz stated that he did not remember them asking for that job description and apologized for not having that prepared.

There was a lengthy discussion with Mr. Maylsz and Ms. Badger about the need for an additional Code Enforcement Officer.

Z-08-01	Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156 (Docket P-19-07: Grantline Development)	Zurschmiede2&3
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Mr. Zurschmiede moved for the second and third reading of Z-08-01, Mr. Messer second, all voted in favor. Bill Z-08-01 became Ordinance Z-08-02.

NON-AGENDA ITEMS:

Paul Haub, FOP president, addressed the council and thanked and congratulated the past members that returned and congratulated the new members and stated that he feels that public office is a noble profession. He discussed the issues the council members had regarding the crime numbers in New Albany. He stated that last year he explained that first they need a police chief with a vision and he said that they have that now with Chief Crabtree and his administration of Michael Lawrence and Sherri Knight. The second issue is manpower and they absolutely do not have enough officers but they are moving in the right direction.

Chief Crabtree addressed the council regarding the fact that they have hired 4 new police officers and he would like to be able to hire 15 more but he only has two more names on the candidate list and he is taking applications.

ADJOURN:

There being no further business to be heard, the meeting adjourned at 9:20 p.m.

Jeff Gahan, President
Common Council, City of New Albany

ATTEST: _____
Marcey Wisman, City Clerk